IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
Appeal From Order No. 33/2007
Shri Suresh Mahadeorao Pokale vs. Mahadeo Devaji Pokale and others.

Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders.

CORAM : A.P. Lavande,J
DATE : 29.10.2007

Heard Mr. Jitendra R. Kidilay, the learned counsel for the appellant.

This appeal from Order is directed against the order dated 2.12.2006 passed by the Civil Judge, Senior Division, Amravati in Special Civil Suit No. 96/06 dismissing the application for interim relief in favour of the appellant/plaintiff.

The appellant/ plaintiff filed the suit for declaration that the gift-deed dated 11.7.2005 executed by the defendant no. 1 in favour of defendants 2 to 4 be declared null and void and by way of interim relief the appellant/plaintiff sought stay of the effect and operation of the gift-deed dated 11.7.2005. The trial Court rejected the application filed by the plaintiff.

Mr. Kidilay, the learned counsel for the appellant submits that the appellant apprehends that the respondents/ defendants may create further third

party rights in respect of the suit property and, therefore, the appellant be granted leave to file appropriate application and seeks leave to withdraw the appeal with liberty to file application before the trial court seeking restrain against the defendants from transferring the suit property during the pendency of the suit. Leave to withdraw the appeal as sought by the learned counsel for the appellant with liberty to the appellant to file application seeking appropriate relief if available under the law is granted. The appeal is disposed of as withdrawn.

C.A.No. 2480/07:

In view of the dismissal of the appeal nothing survives in the Civil Application No. 2480/07. The application is dismissed as infructuous.

Judge

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